

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 260

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO CRIMINAL SENTENCING; INCREASING THE PENALTY FOR
THEFT OF IDENTITY TO A FOURTH DEGREE FELONY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-16-24.1 NMSA 1978 (being Laws 2001,
Chapter 138, Section 1) is amended to read:

"30-16-24.1. THEFT OF IDENTITY. --

A. Theft of identity consists of willfully
obtaining, recording or transferring personal identifying
information of another person without the authorization or
consent of that person and with the intent to defraud that
person or another.

B. As used in this section, "personal identifying
information" means information that alone or in conjunction
with other information identifies a person, including the

underscored material = new
[bracketed material] = delete

1 person's name, address, telephone number, driver's license
2 number, social security number, place of employment, maiden
3 name of the person's mother, demand deposit account number,
4 checking or savings account number, credit card or debit card
5 number, personal identification number, passwords or any other
6 numbers or information that can be used to access a person's
7 financial resources.

8 C. Whoever commits theft of identity is guilty of a
9 [~~misdeemeanor~~] fourth degree felony.

10 D. Prosecution pursuant to this section shall not
11 prevent prosecution pursuant to any other provision of the law
12 when the conduct also constitutes a violation of that other
13 provision.

14 E. In a prosecution brought pursuant to this
15 section, the theft of identity shall be considered to have been
16 committed in the county where the person whose identifying
17 information was appropriated resided at the time of the
18 offense, or in which any part of the offense took place,
19 regardless of whether the defendant was ever actually present
20 in the county.

21 F. A person found guilty of theft of identity
22 shall, in addition to any other punishment, be ordered to make
23 restitution for any financial loss sustained by a person
24 injured as the direct result of the theft of identity. In
25 addition to out-of-pocket costs, restitution may include

. 152684. 1

1 payment for costs, including attorney fees, incurred by that
2 person in clearing his credit history or credit rating or costs
3 incurred in connection with a civil or administrative
4 proceeding to satisfy a debt, lien, judgment or other
5 obligation of that person arising as a result of the theft of
6 identity.

7 G. The sentencing court shall issue written
8 findings of fact and may issue orders as are necessary to
9 correct a public record that contains false information as a
10 result of the theft of identity. "